

MISSOURI BOARD OF GEOLOGIST REGISTRATION

PRACTICE ACT AND RULES

STATUTE: CHAPTER 256.453 TO 256.483

RULES: 20 CSR 2145-1.010 TO 20 CSR 2145-4.040



ISSUED BY:

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MISSOURI BOARD OF GEOLOGIST REGISTRATION



STATE OF MISSOURI
Division of Professional Registration

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MISSOURI BOARD OF GEOLOGIST REGISTRATION

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STATUTES

CHAPTER 256

256.453 Definitions.

As used in sections 256.450 to 256.483, the following words and phrases shall mean:

- (1) "Board of geologist registration" or "board", the board of geologist registration created in section 256.459;
- (2) "Certificate of registration", a license issued by the board of geologist registration granting its licensee the privilege to conduct geologic work and make interpretations, reports, and other actions in accordance with the provisions of sections 256.450 to 256.483;
- (3) "Division", the division of professional registration;
- (4) "Geologist", a person who has met or exceeded the minimum geological educational requirements and who can interpret and apply geologic data, principles, and concepts and who can conduct field or laboratory geological investigations;
- (5) "Geologist-registrant in-training", a person who meets the requirements of subsection 7 of section 256.468;
- (6) "Geology", that profession based on the investigation and interpretation of the earth, including bedrock, overburden, groundwater and other liquids, minerals, gases, and the history of the earth and its life;
- (7) "Practice of geology", the practice of or the offer to practice geology for others, such practice including, but not limited to, geological investigations to describe and interpret the natural processes acting on earth materials, including gases and fluids; predicting and interpreting mineral distribution, value, and production; predicting and interpreting geologic factors affecting planning, design, construction, and maintenance of engineered facilities such as waste disposal sites or dams; and the teaching of the science of geology;
- (8) "Public health, safety and welfare" shall include the following: protection of groundwater; buildings and other construction projects including dams, highways and foundations; waste disposal or causes of waste pollution including human, animal, and other wastes including radionuclides; stability of the earth's surface such as could be affected by earthquakes, landslides, or collapse; the depth, casing, grouting, and other recommendations for the construction of wells or other borings into earth that intersect one or more aquifers; and excavation into the earth's materials where stability or other factors are at risk. "Public health, safety, and welfare" does not refer to geologic work conducted to determine mineral resources or other resources as could be available for various uses, teaching, or basic geologic work including making geologic maps, cross sections, stratigraphic determinations, and associated reports or other presentations;
- (9) "Qualified geologist" or "professional geologist", a geologist who satisfies the educational requirements of subsection 2 of section 256.468 and who has at least three years of experience in the practice of geology subsequent to satisfying such educational requirements;
- (10) "Registered geologist", a geologist who has met the qualifications established by the board and has been issued a certificate of registration by the board of geologist registration;
- (11) "Responsible charge of work", the independent control and direction of geological work or the supervision of such work pertaining to the practice of geology;
- (12) "Specialty", a branch of geologic study and work such as engineering geology, environmental geology, hydrogeology, mineral resources, and other related work requiring geologic education and experience.

(L. 1994 S.B. 649, A.L. 1997 S.B. 320, A.L. 2008 S.B. 788)

256.456. Geology work to be performed under supervision of registered geologist, when--reports, supervised by registered geologist--prohibited designations, when--penalty.

1. Except as provided in section 256.471, no person, firm, or corporation shall engage in the practice of geology affecting public health, safety and welfare unless the work is performed by or under the supervision of a registered geologist. All work so performed shall be signed and sealed by the registered geologist in responsible charge.
2. No person shall prepare any geologic report or geologic portion of a report required by or supporting compliance

with municipal, county, state, or federal laws, orders, ordinances or regulations which incorporates or is based on a geologic study or on geologic data unless the geologic report or geologic portion of the report is prepared by or under the supervision of a registered geologist as evidenced by the registered geologist's signature and seal.

3. No person who is not registered by the board to perform geologic work in Missouri may use the designation of "registered geologist".

4. No person who is not recognized by the board as geologist-registrant in-training may use the designation of "geologist-registrant in-training".

5. Any person who violates any provision of this section shall be guilty of a class B misdemeanor.
(L. 1994 S.B. 649)

256.459. Board of geologist registration created--members, qualifications, appointment--public members--terms--bond not required--attorney general to represent board--expenses, reimbursement, compensation, rules authorized.

1. The "Board of Geologist Registration" is hereby created to administer the provisions of sections 256.450 to 256.483. The official domicile of the board of geologist registration is the division of professional registration. The division shall provide necessary staff support services, but all administrative costs of board operation shall be paid, upon appropriation, by moneys in the board of geologist registration fund created in section 256.465.

2. The board shall be composed of eight members, seven of whom shall be voting members appointed by the governor with the advice and consent of the senate. The state geologist shall serve as "ex officio" nonvoting member.

3. Five of the appointed members shall be registered geologists, except that this requirement shall not apply for the initially appointed geologist members. Four members shall be chosen to represent experience in different geologic specialties. The fifth member shall be a geologist employed by the state or a city or county. The initially appointed geologist members must be eligible for registration pursuant to sections 256.450 to 256.483 and must be registered pursuant to sections 256.450 to 256.483 within twelve months following appointment to the board to maintain eligibility as a member of the board.

4. Two of the appointed members shall be public members. Each public member shall, at the time of appointment, be a citizen of the United States, a resident of Missouri for at least three years immediately preceding appointment, a registered voter, a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person and a person who does not have and never has had a material, financial interest in either the providing of professional services regulated by this chapter or any activity or organization directly related to any profession licensed or regulated pursuant to this chapter. The duties of the public members shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. Each geologist member of the board shall be a citizen of the United States and shall have been a resident of Missouri for at least three years immediately preceding appointment.

6. Appointed members of the board shall serve terms of three years except that two of the first appointed members shall be appointed to one-year terms and two of the first appointed members shall be appointed to two-year terms. Members shall hold office until the expiration of the terms for which they were appointed and until their successors have been appointed and duly qualified unless removed for cause by the governor. No person may serve more than two consecutive terms.

7. The board shall not be required to give any appeal bond in any cause arising under application of sections 256.450 to 256.483. The attorney general shall represent the board in all actions and proceedings to enforce the provisions of sections 256.450 to 256.483.

8. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for board business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment.

256.462. Meetings of board--officers--rules--examinations, preparation of--certificates of registration, issuance of, code of professional conduct--suspension, revocation of certificate, when--specialty fields, board may recognize.

1. The board shall meet within forty-five days after appointment of its initial members. The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as the rules of the board may provide and in accordance with notice requirements thereof.

2. The board shall elect annually from its own membership a chair, vice chair, and secretary-treasurer, none of whom shall hold that office for more than two consecutive one-year terms, and the director of the division of professional registration shall be the executive secretary to assist the board in carrying out its duties and responsibilities.

3. The board shall promulgate rules pursuant to chapter 536 and section 256.640, necessary for the administration and enforcement of sections 256.450 to 256.483.

4. The board shall prepare, administer, and grade or supervise the preparation, administering, and grading of oral and written examinations as required to administer and enforce sections 256.450 to 256.483. The board may adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for registration as a geologist in Missouri, provided that the individual's examination records are available to the board.

5. The board shall issue certificates of registration and shall renew and reissue certificates as provided in sections 256.450 to 256.483. The board may upon reissuing and renewal require the applicant to provide evidence of continued competence in the practice of geology.

6. The board shall promulgate, by rule, and issue a code of professional conduct for registered geologists. The board may suspend, revoke or refuse issuance or renewal of registration for any registered geologist who is found in violation of the code of professional conduct.

7. The board may refuse issuance or renewal of or suspend or revoke any certificate, and impose sanctions including restrictions on the practice of any individual geologist registered in Missouri for violations of sections 256.450 to 256.483 or the rules promulgated thereunder.

8. The board shall seek cease and desist orders and injunctions against any person violating sections 256.450 to 256.483 or the rules promulgated thereunder.

9. The board shall recognize and authorize the official use of the designation "registered geologist" for geologists registered under the provisions of sections 256.450 to 256.483.

10. The board may recognize and establish, by rule, specialty fields of geologic practice and establish qualifications, conduct examinations, and issue certificates of registration in such specialties to qualified applicants. (L. 1994 S.B. 649, A.L. 2018 S.B. 840)

256.465. Fund, established--fees to be set by board, limit.

1. There is hereby created in the state treasury "The Board of Geologist Registration Fund".

2. The board shall establish, by rule, fees to be charged for applications, examinations, certification and certification renewal. The fees shall be set at an amount which shall not be more than that required to administer sections 256.450 to 256.483. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

256.468. Application for certification, contents, requirements--examination required--geologist-registrant in-training, designation--board, powers and duties.

1. An applicant for certification as a registered geologist shall complete and sign a personal data form, prescribed and furnished by the board, and shall provide the appropriate application fee. The personal data of an individual shall be considered confidential information.

2. The applicant shall have graduated from a course of study satisfactory to the board and which includes at least thirty semester or forty-five quarter hours of credit in geology.

3. The applicant shall provide to the board a detailed summary of actual geologic work, documenting that the applicant meets the minimum requirements for registration as a geologist, including a demonstration that the applicant has at least three years of postbaccalaureate experience in the practice of geology.

4. Except as provided in this section, no applicant shall be certified unless he or she shall have passed an examination covering the fundamentals, principles and practices of geology prescribed or accepted by the board.

5. Any person, upon application to the board and demonstration that the person meets the requirements of subsections 1 and 2 of this section and has passed that portion of the professional examination covering the fundamentals of geology, shall be awarded the geologist-registrant in-training certificate. The geologist then may use the title "geologist-registrant in-training" subject to the limitations of sections 256.450 to 256.483.

6. The board shall deny registration to an applicant who fails to satisfy the requirements of this section. The board shall not issue a certificate of registration pending the disposition in this or another state of any complaint alleging a violation of this chapter or the laws, rules, regulations and code of professional conduct applicable to registered geologists and regulated geologic work of which violation the board has notice. An applicant who is denied registration shall be notified in writing within thirty days of the board's decision and the notice shall state the reason for denial of registration. Any person aggrieved by a final decision of the board on an application for registration may appeal that decision to the administrative hearing commission in the manner provided in section 621.120.

7. The board shall issue an appropriate certificate evidencing the issuance of the certificate of registration upon payment of the applicable registration fee to any applicant who has satisfactorily met all the requirements of this section for registration as a geologist. Such certificate shall show the full name of the registrant, shall have a serial number, and shall be dated and signed by an appropriate officer of the board under the seal of the board.

8. The certificate seal shall be prima facie evidence that the person named therein is entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483 and to practice geology as an individual, firm or corporation while such certificate remains unrevoked or unexpired.

9. The board may issue a certificate of registration to any individual who has made application and provided proof of certification of registration from another country, approved by the board, provided that the registration or licensing requirements are substantially similar to the requirements of this section and the necessary fees have been paid. The board may require, by examination or other procedures, demonstration of competency pertaining to geologic conditions in Missouri.

10. The board shall reissue the certificate of registration of any registrant who, before the expiration date of the certificate and within a period of time and procedures established by the board, submits the required renewal application and fee.

11. The board, by rule, may establish conditions and fees for the reissuing of certificates of registration which have lapsed, expired, or have been suspended or revoked.

12. Registered geologists may purchase from the board, or other approved sources, a seal bearing the registered geologist's name, registration number, and the legend "Registered Geologist".

256.471. Exempt activities.

1. Activities which are not regulated by sections 256.450 to 256.483 include work by employees or subordinates of a registered geologist, provided that such work does not include responsible charge of work, and such work is performed under the direct supervision of a registered geologist who shall be responsible for such work.
2. The practice of geology affecting public health, safety, and welfare by officers and employees of the United States, solely as such officers and employees, shall not be regulated by sections 256.450 to 256.483.
3. Work of engineering and other licensed professions including the acquisition of engineering data involving soil, rock, groundwater, and other earth materials and the use of these data for engineering analysis, design, and construction by professional engineers appropriately registered or licensed in Missouri is exempted from the provisions of sections 256.450 to 256.483.
4. Work customarily performed by professionals such as chemists, archaeologists, geographers, speleologists, pedologists, and soil scientists is exempt from the provisions of sections 256.450 to 256.483.
5. The practice of geology not affecting public health, safety, and welfare within Missouri as determined by the board is exempt from the provisions of sections 256.450 to 256.483.
(L. 1994 S.B. 649, A.L. 1997 S.B. 320)

256.474. Failure to abide by requirements, board may reprimand.

A registered person, firm or corporation practicing geology may be reprimanded by the board for failure to abide by the requirements of sections 256.450 to 256.483. The board may impose limitations, conditions or restrictions upon the practice of a geologist-registrant in-training or a registered geologist who is reprimanded under this section.
(L. 1994 S.B. 649)

256.477. Prohibited activities, penalties--board to revoke certificate, when.

1. No person shall employ fraud or deceit in obtaining the certificate of registration. A violation of this subsection shall be a class B misdemeanor.
2. Any person found to have performed geologic work regulated under sections 256.450 to 256.483 in a negligent manner shall be guilty of a class B misdemeanor.
3. Any person who uses the seal of a registered geologist, other than the person to whom the seal was issued, shall be guilty of a class B misdemeanor.
4. The board shall revoke the certification of registration for a person convicted of any felony or any crime involving moral turpitude or sentence of imprisonment or probation in lieu thereof; or for any misdemeanor relating to or arising out of the practice of geology affecting public health, safety and welfare.
(L. 1994 S.B. 649)

256.480. Complaints, board shall investigate, procedures--board may issue order, powers--appeal of order or action of board.

1. Any person may bring a complaint alleging a violation of sections 256.450 to 256.483 or the rules promulgated thereunder. The board shall investigate all complaints brought to its attention, and in connection therewith may employ investigators, expert witnesses and hearing officers and conduct hearings to determine whether disciplinary action should be taken.
2. A person filing a complaint shall make the complaint in writing, swear to be the person making the charges, and shall file the complaint with the secretary of the board. Any person who reports or provides information to the board in good faith is not subject to an action for civil damages by the board. The board shall hear all charges, except those which the board determines are unfounded or unsupported by the evidence.
3. A copy of the complaint, together with notice setting forth the charge or charges to be heard and the time and place of the hearing, shall be served by the secretary of the board upon any person, firm or corporation against which charges are filed. The complaint shall be conveyed by registered mail to the last known address of the person, firm or corporation subject to the complaint.

4. The board shall have the authority to subpoena witnesses and compel their attendance and to require the production of books, papers, reports, documents, and similar material in connection with any investigation or hearing conducted by the board. Any member of the board may administer oaths or affirm to witnesses appearing before the board. If any witness refuses to obey the subpoena or refuses to testify or to produce evidence as authorized, the board may petition the circuit court to issue such subpoena and compel such attendance and production.

5. If the board determines that a person, firm or corporation is engaged in an act or practice in violation of sections 256.450 to 256.483 or the rules promulgated thereunder, the board may issue a temporary order directing the recipient to cease and desist such act or practice, or directing the recipient to take specified actions necessary to comply with sections 256.450 to 256.483. The recipient of the order may request a hearing on the matter within fifteen days after receipt of the temporary order. The temporary order shall remain in effect until a final order is issued following such hearing, and shall become final after fifteen days, if no hearing is requested. Any person aggrieved by a final order of the board may appeal the order to the administrative hearing commission in the manner provided in section 621.120.

6. If the board determines the activities of a registered geologist present an imminent danger to public health, safety or welfare, the board may issue an order for the immediate and temporary suspension of the geologist's certificate of registration for a period of up to thirty days. Any person whose registration has been suspended under this subsection may request a hearing on the matter within fifteen days after receipt of the order of suspension.

7. The board may request that the attorney general seek an injunction to restrain any violation of sections 256.450 to 256.483.

8. Any person aggrieved by a final order or action of the board imposing sanctions or other actions under sections 256.450 to 256.483 may, after exhausting any administrative remedies provided under sections 256.450 to 256.483 and section 621.120, appeal such decision or action as provided in sections 536.100 to 536.140.

(L. 1994 S.B. 649)

256.483. Alteration of document prohibited, when, penalty--false evidence or testimony, penalty--action under expired certificate of registration, penalty.

1. Any person, firm or corporation who alters or revises any document, map, or work signed or sealed by a registered geologist, unless such alteration or revision is countersigned and countersealed by a registered geologist, or changes or alters the name or seal of another registered geologist, on any document, map or work; or otherwise impersonates another registered geologist, or presents or attempts to use as his or her own or on his or her own work the certificate of registration or seal of another registered geologist shall be guilty of a class B misdemeanor.

2. Any person who gives false or forged evidence of any kind to the board or to any member thereof in testimony or in written communication, including, but not limited to, evidence provided to falsely obtain a certificate of registration shall be guilty of a class B misdemeanor.

3. Any person who uses a seal or signs any document under a certificate of registration which has expired or has been suspended or revoked shall be guilty of a class B misdemeanor.

(L. 1994 S.B. 649)

RULES

DIVISION 2145

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2145—Missouri Board of
Geologist Registration
Chapter 1—General Rules**

**20 CSR 2145-1.010 Board of Geologist
Registration—General Organization**

PURPOSE: This rule describes the organization and general methods of administration and communication concerning the Missouri Board of Geologist Registration.

(1) The purpose of the board is to regulate the practice of geology concerning the health, safety and welfare of the inhabitants of this state; to protect the property of the inhabitants of this state from damage or destruction through the dangerous, dishonest, incompetent or unlawful practice of geology and to implement and sustain a system for the examination and regulation of registered geologists and geologist-registrants in-training in this state.

(2) The board shall meet at least four (4) times each year. Additional meetings may be held at the discretion of the board, however, the board shall inform the division of those meetings and the notice of the meeting will be posted in compliance with Chapter 610, RSMo.

(3) Each year, the board shall elect a chair, vice-chair and secretary-treasurer by a majority of board member votes. The chair presides at meetings and works with the division on coordinating the board's affairs. If the chair is unable to attend a meeting, the vice-chair shall preside at the meeting.

(4) The director of the Division of Professional Registration or a designated representative shall be responsible for keeping the minutes of board proceedings and perform other duties as requested by the board.

(5) A quorum of the board shall consist of four (4) of the seven (7) voting members.

(6) Board meetings will generally consist of receiving applications, interviewing applicants, investigating complaints and inquiries, determining disciplinary actions regarding a registered geologist or geologist-registrant in-training, making recommendations to the division concerning the conduct and management of board affairs and other board matters.

(7) Unless otherwise provided by statute or

regulation, the board shall conduct its meetings using Robert's Rules of Order as a guide.

(8) Any person requiring information, an application or complaint form involving the practice of geology as regulated by the board may contact the board by writing to Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO, 65102-1335 or calling the board office at (573) 526-7625. The telecommunications device for the deaf (TDD) is (800) 735-2966.

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-1.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-1.010, effective Aug. 28, 2006. Amended: Filed Dec. 23, 2008, effective June 30, 2009.*

**Original authority: 256.462.3, RSMo 1994.*

**20 CSR 2145-1.020 Policy for Handling Release of
Public Records**

PURPOSE: This rule sets forth the board's policy regarding the release of information on any meeting, record or vote of the board.

(1) The Missouri Board of Geologist Registration is a public governmental body as defined in Chapter 610, RSMo, and adopts the following as its policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements Chapter 610, RSMo, regarding the release of information of any meeting, record, or vote of the board which is not closed under the chapter.

(2) All public records of the Missouri Board of Geologist Registration shall be open for inspection and copying by any member of the general public during normal business hours (8 a.m. to 5 p.m. Monday through Friday, except holidays) at the board's office located at 3605 Missouri Boulevard, Jefferson City, Missouri, except for those records closed under section 610.021, RSMo. All public meetings of the Missouri Board of Geologist Registration not closed under that section will be open to the public.

(3) The Missouri Board of Geologist Registration establishes the director of the Division of Professional Registration or the director's designated representative as custodian of the board records as required by section 610.023, RSMo. The director or the designated division representative is responsible for maintaining board records and responding to requests for access to public records.

(4) The board may charge a reasonable fee for the cost for researching, inspecting and copying board records. Charges and payments of the fees shall be based on the following:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication;

(B) The board may require payment of fees prior to making the copies; and

(C) All fees collected shall be payable to the Board of Geologist Registration for deposit to the credit of the Board of Geologist Registration.

(5) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the board open for inspection by any member of the general public during regular business hours.

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-1.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-1.020, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462.3, RSMo 1994.*

20 CSR 2145-1.030 Application for Licensure (Rescinded May 30, 2008)

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-1.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2145-1.030, effective Aug. 28, 2006. Rescinded: Filed Nov. 7, 2007, effective May 30, 2008.*

20 CSR 2145-1.040 Fees

PURPOSE: This rule establishes the fees for the Board of Geologist Registration.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check, or money order:

(A) Application Fee\$125.00

(B) Examination and Reexamination Fees—

1. Fundamentals of Geology

(amount determined by
the Association of State
Boards of Geology)

2. Principles and Practices

of Geology

(amount determined by
the Association of State
Boards of Geology)

(C) Examination Administration

Fee \$ 25.00

(D) Geologist-Registrant In-

Training Application Fee \$ 25.00

(E) Geologist-Registrant

In-Training Renewal Fee \$ 10.00

(F) License Renewal Fee\$100.00

(G) Inactive License Fee \$ 50.00

(H) Reactivation Fee \$ 50.00

(I) Late Renewal Fee (in addition

to applicable license renewal

fee) One (1) day to two (2)

years late \$ 50.00

(J) Endorsement to Another

Jurisdiction \$ 10.00

(K) Replacement Wall

Hanging \$ 15.00

(L) Educational Review \$ 35.00

(M) Uncollectible Fee (charged for

any uncollectible check or

other uncollectible financial

instrument submitted to the

Missouri State Board of

Geologist Registration)

\$ 25.00

(N) Exam Cancellation/Book

Assessment Fee

(amount determined by the

Association of State Boards

of Geology)

AUTHORITY: section 256.462, RSMo 2000, and section 256.465.2., RSMo Supp. 2013. This rule originally filed as 4 CSR 145- 1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Amended: Filed March 18, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2145-1.040, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective March 30, 2008. Amended: Filed June 16, 2008, effective Dec. 30, 2008. Amended: Filed March 30, 2009, effective Sept. 30, 2009. Amended: Filed Nov. 23, 2011, effective May 30, 2012. Amended: Filed May 22, 2013, effective Jan. 30, 2014.*

**Original authority: 256.462, RSMo 1994 and 256.465.2, RSMo 1994, amended 2007.*

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2145—Missouri Board of
Geologist Registration
Chapter 2—Licensure Requirements**

20 CSR 2145-2.010 Grandfather Requirements
(Rescinded May 30, 2008)

AUTHORITY: section 256.462.3, RSMo 1994. This rule originally filed as 4 CSR 145-2.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.010, effective Aug. 28, 2006. Rescinded: Filed Nov. 7, 2007, effective May 30, 2008.

20 CSR 2145-2.020 Educational Requirements

PURPOSE: This rule defines the educational requirements for a registered geologist or geologist-in-training.

(1) To be eligible for licensure, an applicant must have received a degree at the baccalaureate, master's, or doctoral level from a school, college, university, or other institution of higher education in the United States; which, at the time the applicant was enrolled and graduated, was accredited by a regional accrediting commission recognized by the United States Department of Education.

(2) Upon request by the board, the applicant shall furnish to the board competent and substantial evidence that the college or university is accredited by a regional accrediting commission recognized by the United States Department of Education. Regional accrediting commissions acceptable to the board are as follows:

(A) Middle States Association of Colleges and Schools for the states of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and Virgin Islands;

(B) New England Association of Colleges and Schools for the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont;

(C) North Central Association of Colleges and Schools, The Higher Learning Commission for the states of Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming;

(D) Northwest Association of Schools and Colleges for the states of Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington;

(E) Southern Association of Colleges and Schools for the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; and

(F) Western Association of Schools and Colleges for the states of California, Hawaii, American Samoa, Guam, Commonwealth of North Marianas Islands, and the Trust Republic of the Pacific Islands.

(3) A school, college, university, or other institution of higher learning outside the United States which, at the time the applicant was enrolled and graduated, shall maintain a standard of training substantially equivalent to the standards of training of those institutions accredited by one (1) of the regional accrediting commissions recognized by the United States Department of Education and acceptable to the board.

(4) The applicant shall have completed at least thirty (30) semester hours or forty-five (45) quarter hours of credit in a course of study in geology, wherever it may be administratively housed. The course of study shall be clearly identified and designed to teach fundamentals of geology, including, but not limited to, the following areas of study: physical geology, earth materials, structural geology, and stratigraphy and sedimentation. The course of study shall also be designed to teach principles and practices of geology, including field camp or equivalent field study, and shall be designed to train the student to engage in the practice of geology.

(A) A course of study in geology, wherever it may be administratively housed, shall be clearly identified and designed to teach fundamentals of geology, and principles and practices of geology, and shall be designed to train the student to engage in the practice of geology.

(5) The following criteria shall be used by the board in evaluating the applicant's academic credentials:

(A) Credit shall be given for seminar courses only if the applicant is awarded credit and a grade for the course that appears on the transcript. It shall be the responsibility of the applicant to provide substantiation that the course was an in-depth study of geology or a branch of geologic study and work such as engineering geology, environmental geology, hydrogeology, or mineral resources. Such documentation includes, but is not limited to, course descriptions in official school catalogs, course syllabi, bulletins or other like means, or through written documentation from an appropriate school official regarding course content;

(B) No credit shall be given for workshops, continuing education, work experience, or readings courses, even if credit is awarded by the educational institution and the offering appears on the transcript;

(C) An independent study shall be accepted by the board only if the applicant is awarded credit

and a passing grade appearing on the transcript accompanied by a letter from the appropriate school official explaining the course was an in-depth study of geology or a branch of geologic study and work;

(D) If an academic course title is not self-explanatory as to the content, content must be substantiated through course descriptions from official school catalogs or bulletins, course syllabi, or through written documentation from an appropriate school official; and

(E) A course shall not be considered as complete or meeting any academic requirements unless the applicant's official transcript clearly shows the course was awarded credit by the school and the applicant has received a passing grade.

(6) It shall be the applicant's burden to demonstrate his/her academic course work and training constituted a program of study in geology. The applicant shall request the school or university forward official transcripts and any other supporting evidence necessary to document the fact that these educational requirements have been met. A final determination of whether the program of study or course work which forms the basis of the applicant's thirty (30) semester hours or forty-five (45) quarter hours of credit in a course of study in geology is within the discretion of the board including, but not limited to, whether the courses or their equivalents stated in section (4) above are present.

(7) The board will review an applicant's educational credentials upon receiving official educational transcripts directly from the college, school, or university and upon payment of a fee for an educational review. All information must be submitted to the board no later than thirty (30) days before a regularly scheduled board meeting to be reviewed at that meeting.

AUTHORITY: section 256.462.3 and 256.468, RSMo Supp. 2019. This rule originally filed as 4 CSR 145-2.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed May 22, 2013, effective Jan. 30, 2014. Amended: Filed July 26, 2019, effective Jan. 30, 2020.*

**Original authority: 256.462, RSMo 1994, amended 2018 and 256.468, RSMo 1994, amended 1997, 2005, 2018.*

20 CSR 2145-2.030 Post-Baccalaureate Experience in Geology

PURPOSE: This rule defines the requirements for post-baccalaureate experience.

(1) A person applying for licensure as a registered geologist with three (3) years postbaccalaureate experience shall have completed the post-baccalaureate experience prior to the time of application, and the experience shall consist of the practice of geology in responsible charge.

(A) Responsible charge geological work shall be provided pursuant to the order, oversight, guidance, and full professional responsibility of the supervising registered geologist.

1. Post-baccalaureate experience on or after May 30, 2008, must have been obtained under the supervision of a supervising registered geologist unless otherwise approved by the board. For the purpose of this rule, a supervising registered geologist shall mean one who is licensed/registered by this board or a board of another jurisdiction which is a member of the Association of State Boards of Geology (ASBOG™).

2. Qualifying post-baccalaureate experience obtained on or after May 30, 2011, must have been obtained under the supervision of a supervising registered geologist.

(B) One (1) year of post-baccalaureate experience shall be equivalent to nineteen hundred (1,900) hours of the practice of geology in responsible charge and under the supervision of a registered geologist.

(2) The phrase, actual geological work, as defined in 256.468.3, RSMo, means the practice of geology as defined in 256.453.7, RSMo, beginning after the satisfactory completion of the educational requirements set forth in 20 CSR 2145-2.020.

(A) Practical experience in other disciplines, including but not limited to environmental, engineering, chemistry, or biology, which includes no actual geologic work, as defined in 256.468.3, RSMo, or no practice of geology, as defined in 256.453.7, RSMo, shall not be accepted to fulfill the three (3) years of post-baccalaureate experience.

(B) For practical experience that contains work in other disciplines, including but not limited to environmental, engineering, chemistry, or biology other than actual geologic work, as defined in 256.468.3, RSMo, or no practice of geology, as defined in 256.453.7, RSMo, only that portion of the experience that meets the definitions of actual geologic work or the practice of geology should be included in the three (3) years of post-baccalaureate experience.

(3) A registered geologist shall not serve as a supervisor if his/her license is currently subject to terms of probation, suspension, or revocation.

(4) The supervising registered geologist must certify to the board, on a form provided by the board, the applicant has complied with these requirements for post-baccalaureate experience. For the purposes of

this rule, a supervising registered geologist may not be a current board member or relative of the applicant. A relative of an applicant shall mean a spouse, parent, child, sibling of the whole or half-blood, grandparent, aunt, or uncle of the applicant, or one who is or has been related by marriage.

AUTHORITY: section 256.462.3, RSMo 2000, and section 256.468.3, RSMo Supp. 2013. This rule originally filed as 4 CSR 145-2.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2145-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed May 22, 2013, effective Jan. 30, 2014.*

**Original authority: 256.462, RSMo 1994 and 256.468, RSMo 1994, amended 1997, 2005.*

20 CSR 2145-2.040 Examination

PURPOSE: This rule outlines the examination requirements and procedures for obtaining a registered geologist license.

(1) Every applicant for licensure by the board as a registered geologist, except those meeting the requirements for licensure by reciprocity or where test examination score has been endorsed by the board, shall take a written examination as prescribed by the board.

(2) The applicant shall pass the National Geologist Examination as developed by the National Association of State Boards of Geology (ASBOG™) or its successor which consists of two (2) sections; Fundamentals of Geology and Practice of Geology.

(A) Fundamentals of Geology is designed to test the applicant's basic knowledge of geology. An applicant may take the Fundamentals of Geology Examination if the applicant—

1. Has submitted a complete application on forms supplied by the board;
2. Paid the appropriate non-refundable examination fee; and
3. Holds a degree in geology from an acceptable college or university and submit an official final transcript as described in 20 CSR 2145-2.020.

A. In lieu of paragraph (2)(A)3. of this rule, an applicant must have completed thirty (30) semester hours (or forty-five (45) quarter hours) of geology or geology-related courses acceptable to the board and is currently enrolled in an advanced geology degree program with an acceptable college or university;

(B) Fundamentals of Geology taken as an exit

examination.

1. The Fundamentals of Geology is offered as an exit examination as an aid to evaluate teaching curriculum. To use the Fundamentals of Geology as an exit examination—

A. The student must be an undergraduate student;

B. The Fundamentals of Geology may be a requirement for graduation;

C. Students may complete the Fundamentals of Geology as an exit examination only once. Students wishing to take the Fundamentals of Geology additional times must do so pursuant to the requirements in subsection (2)(A) of this rule;

D. Subject to the board's review and approval, students must have—

(I) Obtained senior status at the time of the application;

(II) Been approved by the department head/chair to sit for the examination; and

(III) Met or will meet all requirements for a Geologist Registrant-In-Training (GRIT) including thirty (30) semester hours (or forty-five (45) quarter hours) in geologic course work at the time of graduation.

E. Subject to the board's review and approval, students in a graduate degree program in geology with an undergraduate degree(s) not in geology may take the Fundamentals of Geology examination as an exit examination provided that the student—

(I) Is approved by the department head/chair to sit for the examination; and

(II) Meets or will meet all requirements for a GRIT including thirty (30) semester hours (or forty-five (45) quarter hours) in geologic course work at the time of graduation; and

(C) Practice of Geology is a four (4) hour examination. The applicant can sit for the Practice of Geology examination only after the applicant passes the Fundamentals of Geology examination and enrolls for the Practice of Geology Examination.

(3) The examinations shall be given at least twice each year at times and locations determined by the board.

(A) The board shall notify all candidates in writing at least thirty (30) days prior to the date of the examination of the time and place of the examination.

(B) The candidate shall submit the applicable nonrefundable fees as prescribed.

(C) If the candidate fails to appear for the examination without submitting a written notice to the board at least seven (7) days prior to the examination, the examination fee shall be forfeited unless otherwise determined by the board.

(D) The board shall notify all candidates in writing of their success or failure on any examination.

AUTHORITY: section 256.462.3, RSMo Supp. 2019. This rule originally filed as 4 CSR 145-2.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.040, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed July 26, 2019, effective Jan. 30, 2020.*

**Original authority: 256.462, RSMo 1994, amended 2018.*

20 CSR 2145-2.050 Reexamination

PURPOSE: This rule outlines the requirements and procedures for retaking the licensure examination for a registered geologist.

(1) Any applicant who fails the license examination may request to be reexamined as follows:

(A) To be reexamined, a candidate must notify the board and pay the appropriate nonrefundable examination fee no less than sixty (60) days prior to the scheduled examination; and

(B) After paying the examination fee, a candidate may be reexamined within an eighteen (18) month period of the date of the failed exam without filing a new application.

(2) A candidate who fails any section of the initial examination and two (2) subsequent reexaminations shall be disqualified from retaking the examination a fourth time, until submitting a written plan for passing the examination and meeting with the board if requested.

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-2.050. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994.*

20 CSR 2145-2.051 Application for Licensure

PURPOSE: This rule outlines the procedure for application for licensure as a registered geologist.

(1) Applications for licensure must be made on the forms provided by the Missouri Board of Geologist Registration.

(2) An application will not be considered officially filed with the board unless it is typewritten or printed in black

ink, signed, notarized, accompanied by all documents required by the board, and the application fee.

(3) The applicant will be informed by letter of the results of the board review of the application.

AUTHORITY: section 256.462.3, RSMo 2000. Original rule filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994.*

20 CSR 2145-2.055 Complaints, Appeals and Challenges of Examination

PURPOSE: This rule establishes the procedures by which an examination candidate may make a complaint about the examination administration, appeal the examination content and/or make a challenge to the examination.

(1) Examination Administration Complaints.

(A) A candidate may file a complaint regarding the administration of the examination by sending a letter to the Missouri Board of Geologist Registration (MBGR), in which the candidate will describe the basis for the administrative complaint and will include pertinent information. The letter of complaint must be postmarked no later than thirty (30) business days after the date of the examination and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR through the executive director will investigate and determine the validity of the complaint and will respond to the candidate via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(2) Content Appeals.

(A) A candidate may begin an appeal process of an examination by submitting a written request to the board office for one or more of the following:

1. The line-item results;
2. A manual regrade; and/or
3. To inspect his/her examination papers at the office of the MBGR during mutually convenient normal business hours.

(B) Said request(s) must be postmarked no later than thirty (30) business days after receipt of the examination results and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail). In making the request(s), the candidate must submit payment of the applicable processing fee(s) directly to the testing service.

(C) At the time of inspection, no one other than the examinee and/or his/her attorney and a representative of the MBGR shall have access to the examination papers, and no material other than the examination papers may be taken into or out of the inspection

room. The inspection shall not exceed four (4) hours, unless special accommodations are requested at least seven (7) business days prior to the inspection and are approved by the executive director.

(3) Examination Challenges.

(A) Within thirty (30) business days after receiving the requested appeal information and/or inspecting the examination papers, the candidate may issue a challenge by asking the MBGR to review a particular question(s). In making such a challenge, the candidate will describe the basis for the challenge and will include pertinent information. The letter of challenge must be sent to the board office via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR with the executive director will investigate the challenge and will have a hearing at a mutually agreeable time to determine the validity of the challenge. The MBGR will hold the hearing and will respond to the candidate via traceable mail with delivery-signature of receipt (e.g., certified mail) the challenge within sixty (60) business days.

(C) In making said challenge, the candidate agrees to abide by the decision of the MBGR.

AUTHORITY: section 256.462, RSMo 2000. This rule originally filed as 4 CSR 145-2.055. Original rule filed July 11, 2000, effective Jan. 30, 2001. Moved to 20 CSR 2145-2.055, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994.*

20 CSR 2145-2.060 Licensure by Reciprocity

PURPOSE: This rule outlines the procedures to apply for licensure by reciprocity.

(1) An applicant may make application for licensure by reciprocity upon submission of the following to the board:

(A) Application form as provided by the board with supporting supplementary documentation, as requested;

(B) Proof of certification or registration from another state showing that the applicant is in good standing with the other state;

(C) Documentation that the licensing or registration requirements of the applicant's state of licensure are substantially similar to the requirements of the board at the time the applicant seeks licensure by the board; and

(D) Applicable fees.

(2) The board will consider the registration or licensing requirements of the other state to be substantially similar to the requirements of the board if the applicant

for licensure by reciprocity has met the following criteria, at the time of application to the board:

(A) Proof of graduation from an accredited college or university;

(B) College and university transcripts showing successful completion of at least thirty (30) semester or forty-five (45) quarter hours, or their equivalent, in geology courses which are on topics involving the investigation and interpretation of the earth, including bedrock, overburden, groundwater and other liquids, minerals, gases, and the history of the earth and its life;

(C) Detailed summary of actual geologic work showing that the applicant has completed at least three (3) years of post-baccalaureate work in the practice of geology in responsible charge; and

(D) Proof of having achieved a passing score on the Fundamentals of Geology and the Practice of Geology as developed by the National Association of State Boards of Geology (ASBOG™), or, evidence that the state of licensure, at the time of application to the Missouri Board, requires its applicants to successfully pass the ASBOG™ exam, or, evidence of successful completion of a state administered exam, approved by the board, which tests the applicant's knowledge.

AUTHORITY: section 256.462.3, RSMo 2000 and section 256.468, RSMo Supp. 2007. This rule originally filed as 4 CSR 145-2.060. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000, effective Jan. 30, 2001. Rescinded and readopted: Filed March 18, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2145-2.060, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994 and 256.468, RSMo 1994, amended 1997, 2005.*

20 CSR 2145-2.065 Temporary Courtesy License

PURPOSE: This rule states the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty to obtain a temporary courtesy license to practice geology for one hundred eighty (180) days.

(1) The board shall grant a temporary courtesy license to practice geology without examination to the "nonresident military spouse" as defined in section 324.008.1, RSMo, who provides the board office the following:

(A) A completed application form;

(B) A non-refundable application fee, as established by the board pursuant to rule, made payable to the board;

(C) Verification sent directly to the board office from the state, district, or territory from where the applicant holds a current and active license verifying that the applicant holds a current and active license;

(D) Proof that the applicant has been engaged in active practice in the state, district, or territory of the United States in which the applicant is currently licensed for at least two (2) years in the five (5) years immediately preceding this application;

(E) Verification sent directly to the board office from each state, district, or territory of the United States in which the applicant has ever been licensed verifying that—

1. The applicant is, or was at the time of licensure, in good standing;

2. The applicant has not committed an act in any jurisdiction where the applicant has or had a license that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice at the time the act was committed; and

3. The applicant has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;

(F) If the board is unable to determine if the licensing requirements of the state, district, or territory in which the applicant is currently licensed are equivalent to Missouri's licensing requirements, the applicant shall submit documentation regarding the licensing requirements equivalency; and

(G) Such additional information as the board may request to determine eligibility for a temporary courtesy license.

AUTHORITY: section 256.462.3, RSMo 2000, and section 324.008.1, RSMo Supp. 2013. Original rule filed May 22, 2013, effective Jan. 30, 2014.*

**Original authority: 256.462, RSMo 1994 and 324.008, RSMo 2011.*

20 CSR 2145-2.070 Geologist-Registrant In-Training

PURPOSE: This rule establishes the requirements for a geologist-registrant in-training.

(1) Any person engaged in post-baccalaureate experience in the practice of geology as defined in section 256.453(7), RSMo, may apply for geologist-registrant in-training by obtaining an application from the board.

(A) The applicant shall meet the educational requirements as defined in 20 CSR 2145-2.020; and

(B) The applicant shall have passed the Fundamentals of Geology portion of the National Geologist Examination as developed by the National Association of State Boards of Geology (ASBOG™) or

its successor.

(2) The applicant will be informed by letter regarding the results of the board review.

(3) Once approved by the board, during the period of post-baccalaureate experience the applicant shall identify him/herself as a geologist-registrant in-training.

(4) A geologist-registrant in-training shall comply with all laws and rules relating to the practice of geology.

AUTHORITY: section 256.462.3, RSMo 2000 and section 256.468, RSMo Supp. 2007. This rule originally filed as 4 CSR 145-2.070. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000, effective Jan. 30, 2001. Moved to 20 CSR 2145-2.070, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994 and 256.468, RSMo 1994, amended 1997, 2005.*

20 CSR 2145-2.080 Renewal of License

PURPOSE: This rule provides information regarding the annual renewal of a license as a registered geologist or geologist-registrant in-training.

(1) A license may be renewed on or before the expiration date of the license by submitting the signed renewal notice and fee as set forth in these regulations.

(2) Failure of a registered geologist or geologist-registrant in-training to receive the notice and application to renew his/her license shall not excuse him/her from the requirement to renew that license.

(3) Failure to renew a license within sixty (60) days of the registration renewal date shall affect an administrative revocation of the license as authorized by section 256.468.12, RSMo.

(4) Any registered geologist or geologist-registrant in-training who fails to renew the license or whose license has been administratively revoked shall not perform any act or provide any service for which a license is required.

(5) Any individual who failed to renew the license within the sixty (60)-day period set forth in section 256.468.10, RSMo, and who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the registration renewal date:

(A) An application for restoration of the license;

and

(B) The delinquency fee as set forth in 20 CSR 2145-1.040.

(6) Licensees who request to be classified as inactive may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2145-1.040. A holder of an inactive license shall not have his/her license reactivated until he/she pays the required reactivation fee. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee.

AUTHORITY: section 256.462.3, RSMo 2000, and section 256.468.10, RSMo Supp. 2013. This rule originally filed as 4 CSR 145-2.080. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.080, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed May 22, 2013, effective Jan. 30, 2014.*

**Original authority: 256.462, RSMo 1994 and 256.468, RSMo 1994, amended 1997, 2005.*

20 CSR 2145-2.090 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the board of name and address changes.

(1) An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

(2) A registered geologist or geologist-registrant in-training whose name is changed by marriage or court order shall promptly—

(A) Notify the board of such change and provide a copy of the appropriate document indicating such change; and

(B) Request a new license bearing the individual's new legal name.

(3) A registered geologist or geologist-registrant in-training whose address has changed must inform the board of all such changes by notifying the board's office in writing within sixty (60) days of the effective date of the change.

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-2.090. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.090, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007,*

effective May 30, 2008.

**Original authority: 256.462, RSMo 1994.*

20 CSR 2145-2.100 Registered Geologist's Seal

PURPOSE: This rule describes the format for the personal seal of a registered geologist and explains in detail where and how the seal shall be used.

(1) Each registered geologist shall, at his/her own expense, secure a seal or rubber stamp, one and three-quarters inches (1 3/4") in diameter. The seal shall consist of concentric circles between which shall appear in capital letters "STATE OF MISSOURI" on the upper part of the seal, and "REGISTERED GEOLOGIST" on the lower part of the seal. Within the inner circle of the seal shall appear the name of the registered geologist in printed letters and his/her certificate number preceded by the capital letters "RG."

(2) The seal may be in the form of an embossing seal, a rubber stamp, or a computer-generated image, identical in size or design and content with the provisions of section (1) of this rule.

(3) In addition to the personal seal, the registered geologist shall also affix his/her signature on or through his/her seal, and place the date of the signature under the seal on each sheet in a set of plans, drawings, specifications, maps, reports, and other documents which are prepared by the registered geologist or under the registered geologist's immediate personal supervision.

(A) When there are multiple page plans, reports, maps, drawings, or other documents or instruments, the registered geologist may sign, seal, and date only the title or index page, providing the signed sheet clearly identifies all of the other pages comprising the bound volume were prepared by him/her or under their immediate personal supervision.

(B) When revisions are made, the registered geologist who made the revisions or under whose personal supervision the revisions were made shall place his/her signature on the same line next to the revision date and give an explanation of the revisions.

(C) If a set of multiple page plans, reports, maps, drawings, or other documents or instruments ("documents") contains the seals of more than one (1) licensed or registered professional, the registered geologist should certify, on the title or index page, that his/her seal only relates to the portions of the documents that involve the practice of geology, as defined in section 256.453(7), RSMo. The registered geologist should identify, on the title page or index, the geologic portions of the documents that he/she, or someone under his/her immediate personal supervision, prepared. The registered geologist may

identify those portions of the documents that neither he/she nor someone under the registered geologist's immediate personal supervision prepared.

(4) If two (2) or more registered geologists provide reports, plans, drawings, maps, or other documents, each registrant shall date, sign and seal those documents using the appropriate disclaimer identifying each registrant's responsibility.

(5) Any documents not prepared by the registered geologist or under his/her personal supervision shall not be signed or sealed by the registered geologist.

(6) Any registered geologist who does not have a current license in this state is prohibited from using his/her seal on any documents until the license is renewed or otherwise reinstated.

AUTHORITY: section 256.456 , RSMo 2016, and section 256.462.3, RSMo Supp. 2019. This rule originally filed as 4 CSR 145-2.100. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2145-2.100, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008. Amended: Filed July 26, 2019, effective Jan. 30, 2020.*

**Original authority: 256.456, RSMo 1994 and 256.462, RSMo 1994, amended 2018.*

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2145—Missouri Board of
Geologist Registration
Chapter 3—Complaint Handling**

**20 CSR 2145-3.010 Complaint Handling and
Disposition Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.16(6), RSMo.

(1) The Missouri Board of Geologist Registration will receive and process each complaint made against any registered geologist or geologist-registrant in-training of the board, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 256.450–256.483, RSMo. Any member of the public or the profession, or any federal, state

or local official, may make and file a complaint with the board. Complaints will be received from sources within Missouri and outside of this state. No member of the Missouri Board of Geologist Registration may file a complaint with this board while holding that office, unless that member is excused from further board deliberation or activity concerning the matters alleged within that complaint. The division director or any board staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Missouri Board of Geologist Registration, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative office in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communications will not be considered or processed as complaints, however the person making such communications will be asked to supplement those communications with a written statement. Individuals with special needs addressed by the Americans with Disabilities Act should contact the board office at (573) 526-7625. The telecommunications device for the deaf (TDD) is (800) 735-2966.

(4) Each complaint received under this rule will be logged in and maintained by the board for that purpose. The log will contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a registered geologist or geologist-registrant in-training of the board with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board, and whether or not any public complaint has been filed with

the board.

(7) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board. This rule is not deemed to protect, or inure to the benefit of those registered geologists or geologist-registrants in-training or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 256.450–256.483, RSMo.

AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-3.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-3.010, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994.*

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2145—Missouri Board of
Geologist Registration
Chapter 4—Code of Professional Conduct**

20 CSR 2145-4.010 Obligations of the Registrant

PURPOSE: This rule defines the expectations and requirements for practicing geology as a registered geologist or geologist-registrant in-training.

(1) These rules of professional conduct are binding on every person registered by the board to practice geology as a registered geologist or geologist-registrant in-training. In these rules of professional conduct, the word registrant shall mean any person registered as a geologist or geologist-registrant in-training.

(2) By applying for or becoming a registered geologist or geologist-registrant in-training a person agrees to—

(A) Comply with and uphold the Code of Professional Conduct as defined in Chapter 4—Code of Professional Conduct; and

(B) Shall understand and be familiar with sections 256.450—256.483, RSMo, also known as the Geologist Registration Act.

(3) Registrants shall be guided by the highest standards of personal integrity and professional conduct and shall perform professional services or issue professional advice only within the scope of their education and experience and shall advise the employer or client if

any professional advice is outside of their professional or personal expertise.

(4) Registrants shall observe and comply with the requirements and intent of all applicable laws, codes, and regulations.

(5) The rules of professional conduct will be enforced under the powers vested in the Missouri Board of Geologist Registration. Any act or practice found to be in violation of these rules of professional conduct will be grounds for a complaint to be filed with the Administrative Hearing Commission.

AUTHORITY: section 256.462.6., RSMo 1994. This rule originally filed as 4 CSR 145-4.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-4.010, effective Aug. 28, 2006.*

**Original authority 1994.*

20 CSR 2145-4.020 Obligations to the Public

PURPOSE: This rule defines the expectations and requirements for practicing geology as a registered geologist or geologist-registrant in-training.

(1) Registrants shall uphold the public health, safety, and welfare in the performance of professional services; avoid the appearance of impropriety; provide competent services according to overall professional and ethical obligations; and shall not give a professional opinion or submit a report without being thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(2) Registrants shall not knowingly participate in any illegal activities, or knowingly permit the publication of reports, maps, or other documents for any illegal purpose.

(3) A registrant shall not offer or make any illegal payment, gift, or other valuable consideration to a public official or accept any payment, gift, or other valuable consideration which would appear to influence a decision made on by the registrant acting in a position of public trust. A registrant acting in a position of public trust shall exercise his/her authority impartially, and shall not seek to use his/her authority for personal profit or to secure any competitive advantage.

AUTHORITY: section 256.462.6., RSMo 1994. This rule originally filed as 4 CSR 145-4.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-4.020,*

effective Aug. 28, 2006.
*Original authority 1994.

20 CSR 2145-4.030 Obligations to the Employer or Client

PURPOSE: This rule defines the expectations and requirements for practicing geology as a registered geologist or geologist-registrant in-training.

(1) Registrants shall not use their professional skills or licensed status in furtherance of or participation in any unlawful activity. Registrants, in the conduct of their practice, shall not knowingly violate any criminal laws.

(2) The registrant shall be accurate, truthful, and candid in all communications and shall not issue a false statement or false information which the registrant knows to be false or misleading, even though directed to do so by an employer, client or colleague.

(3) A registrant shall not knowingly engage in false or deceptive advertising, make false, misleading, or deceptive representations or claims in regard to the profession of geology or which concerns their professional qualifications or abilities or those of others or the client.

(4) A registrant shall disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest which may, whether directly or indirectly, have a pertinent bearing on such employment. A registrant having or expecting to have a beneficial interest in a property on which the registrant reports shall state in the report the fact of the existence of such interest or expected interest.

(5) A registrant shall protect, to the fullest possible extent, the interest of an employer or client so far as is consistent with the public health, safety and welfare and shall not use the resources of an employer or client for private gain, without prior knowledge and consent of the employer or client.

(6) A registrant employed or retained by one (1) employer or client shall not accept, without that employer's or client's written consent, an engagement by another if the interests of the two (2) are in any manner conflicting.

(7) A registrant shall not accept referral fees from any person to whom an employer or client is referred; however nothing herein shall prohibit a registrant from being compensated by the employer or client for consultation, or for other services actually performed.

(8) A registrant shall not offer payment referral fees to any person who refers an employer or client to the registrant, however nothing herein shall prohibit

a registrant from compensating the person giving the referral for consultation, or other services actually performed.

(9) A registrant shall not use, directly or indirectly, any confidential information obtained from or in the course of performing services for an employer or client in any way which is adverse or detrimental to the interests of the employer or client, except with the prior consent of the employer or client or when disclosure is required by law.

(10) A registrant who has made an investigation for an employer or client shall not seek to profit economically from the information gained without written permission of employer or client, unless it is clear that there can no longer be a conflict of interest with the original employer or client.

(11) A registrant shall engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever it is in the best interest of the employer or client.

(12) A registrant shall provide services to an employer or client in a diligent and timely manner.

AUTHORITY: section 256.462.6, RSMo 2000. This rule originally filed as 4 CSR 145-4.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-4.030, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007, effective May 30, 2008.*

**Original authority: 256.462, RSMo 1994.*

20 CSR 2145-4.040 Obligations to Professional Colleagues and the Profession

PURPOSE: This rule defines the expectations and requirements for practicing geology as a registered geologist or geologist-registrant in-training.

(1) A registrant shall respect the rights, interests, professional status and contributions of professional colleagues.

(2) A registrant shall give due credit for work done by others in the course of a professional assignment, and shall not knowingly accept credit due another and shall not plagiarize another in oral and written communications or by using materials prepared by others without appropriate attribution.

(3) A registrant shall continually strive to improve the profession of geology, to include their knowledge and skills, and encourage dissemination of geologic

knowledge.

(4) A registrant having knowledge of a violation of Chapter 256, RSMo, or any rule promulgated thereunder shall contact and shall supply the board with all available specifics and documentation of the violation.

AUTHORITY: section 256.462.6., RSMo 1994. This rule originally filed as 4 CSR 145-4.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-4.040, effective Aug. 28, 2006.*

**Original authority 1994.*

OTHER STATUTES OF RELEVANCE

Chapter 324

Occupations and Professions – General Provisions

324.003. Payment of fees, method — electronic application and renewal of licensure — written or electronic communications to licensing board, when. — Notwithstanding any other provision of law or administrative rule to the contrary, the division of professional registration and its component boards, committees, offices, and commissions shall permit:

- (1) Any licensee to submit payment for fees so established in the form of personal check, money order, cashier's check, credit card, or electronic check as defined by section 407.432;
- (2) Any applicant or licensee to apply for licensure or renew their license in writing or electronically; and
- (3) Any licensee to make requests of their license-granting board or commission for extensions of time to complete continuing education, notify their license-granting board or commission of changes to name, business name, home address, or work address, and provide any other items required as part of licensure to their licensure board in writing or electronically.

(L. 2017 S.B. 501)

324.006. Spouse of active-duty military, first priority given to processing licensure applications.

All professional licensing boards and commissions shall give first priority to spouses of members of the active duty component of the Armed Forces of the United States in the processing of all professional licensure or certification applications.

(L. 2018 H.B. 1503)

324.008. Nonresident military spouse, temporary courtesy license to be issued upon transfer of active duty military spouse, when — rulemaking authority.

1. As used in this section, “nonresident military spouse” means a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis.

2. Except as provided in subsection 6 of this section and notwithstanding any other provision of law, any agency of this state or board established under state law for the regulation of occupations and professions in this state shall, with respect to such occupation or profession that it regulates, by rule establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty, so that, on a temporary basis, the nonresident military spouse may lawfully practice his or her occupation or profession in this state.

3. Notwithstanding provisions to the contrary, a nonresident military spouse shall receive a temporary courtesy license under subsection 2 of this section if, at the time of application, the nonresident military spouse:

- (1) Holds a current license or certificate in another state, district, or territory of the United States with licensure requirements that the appropriate regulatory board or agency determines are equivalent to those established under Missouri law for that occupation or profession;
- (2) Was engaged in the active practice of the occupation or profession for which the nonresident military spouse seeks a temporary license or certificate in a state, district, or territory of the United States for at least two of the five years immediately preceding the date of application under this section;
- (3) Has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation or profession under Missouri law at the time the act was committed;
- (4) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction;
- (5) Authorizes the appropriate board or agency to conduct a criminal background check and pay for any costs associated with such background check;
- (6) Pays any fees required by the appropriate board or agency for that occupation or profession; and
- (7) Complies with other requirements as provided by the board.

4. Relevant full-time experience in the discharge of official duties in the military service or an agency of the federal government shall be credited in the counting of years of practice under subdivision (2) of subsection 3 of this section.

5. A temporary courtesy license or certificate issued under this section is valid for one hundred eighty days and may be extended at the discretion of the applicable regulatory board or agency for another one hundred eighty

days on application of the holder of the temporary courtesy license or certificate.

6. This section shall not apply to the practice of law or the regulation of attorneys.

7. The appropriate board or agency shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

(L. 2011 H.B. 136)

324.009. Licensure reciprocity — definitions — requirements.

1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board.

2. Any resident of Missouri who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall, within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

(L. 2018 S.B. 840)

324.013. Age, denial of licensure, prohibited, when.

1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;

(2) "Oversight body", any board, department, agency, or office of the state that issues licenses. The term "oversight body" shall not include any political subdivision.

2. An oversight body shall not deny any person eighteen years of age or older a license on the basis of age unless the license enables a person to operate a school bus owned by or under contract with a public school or

the state board of education, transport hazardous material, use explosives, or engage in any activity associated with gaming.

(L. 2018 H.B. 1719)

324.015. Fees, waiver of, when — definitions — procedure — rulemaking authority.

1. For purposes of this section, the following terms mean:

(1) "Licensing authority", any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;

(2) "Licensing requirement", any required training, education, or fee to work in a specific occupation or profession;

(3) "Low-income individual", any individual:

(a) Whose household adjusted gross income is below one hundred thirty percent of the federal poverty line or a higher threshold to be set by the department of insurance, financial institutions and professional registration by rule; or

(b) Who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or the Supplemental Nutrition Assistance Program;

(4) "Military families", any active duty service members and their spouses and honorably discharged veterans and their spouses. The term "military families" includes surviving spouses of deceased service members who have not remarried;

(5) "Occupational fee", a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction;

(6) "Political subdivision", any city, town, village, or county.

2. All state and political subdivision licensing authorities shall waive all occupational fees and any other fees associated with licensing requirements for military families and low-income individuals for a period of two years beginning on the date an application is approved under subsection 3 of this section. Military families and low-income individuals whose applications are approved shall not be required to pay any occupational fees that become due during the two-year period.

3. Any individual seeking a waiver described under subsection 2 of this section shall apply to the appropriate licensing authority in a format prescribed by the licensing authority. The licensing authority shall approve or deny the application within thirty days of receipt.

4. An individual shall be eligible to receive only one waiver under this section from each licensing authority.

5. The waiver described under subsection 2 of this section shall not apply to fees required to obtain business licenses.

6. State licensing authorities and the department of insurance, financial institutions and professional registration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

(L. 2018 S.B. 843)

324.028. Forfeiture of membership on board or council for missing meetings.

Any member authorized under the provisions of sections 256.459, 324.063, 324.177, 324.203, 324.243, 324.406, 324.478, 326.259, 327.031, 329.015, 330.110, 331.090, 332.021, 333.151, 334.120, 334.430, 334.625, 334.717, 334.749, 334.830, 335.021, 336.130, 337.050, 337.305, 337.535, 337.622, 337.739, 338.110, 339.120, 340.202, 345.080, and 346.120 who misses three consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit his membership on that board or council. A new member shall be appointed to the respective board or council by the governor with the advice and consent of the senate.

(L. 2008 S.B. 788, A.L. 2018 S.B. 975 & 1024 Revision)

324.047. Guidelines for regulation of certain occupations and professions — definitions — limitation on state regulation, requirements — reports.

1. The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.

2. For purposes of this section, the following terms mean:

- (1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;
- (2) "Certification", a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use "certified" as a designated title. This term shall not be synonymous with an occupational license;
- (3) "Department", the department of insurance, financial institutions and professional registration;
- (4) "Director", the director of the division of professional registration;
- (5) "Division", the division of professional registration;
- (6) "General welfare", the concern of the government for the health, peace, morality, and safety of its residents;
- (7) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;
- (8) "Least restrictive type of occupational regulation", the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:
 - (a) Bonding or insurance;
 - (b) Registration;
 - (c) Certification;
 - (d) Occupational license;
- (9) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;
- (10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;
- (11) "Personal qualifications", criteria related to an individual's personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;
- (12) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;
- (13) "Registration", a requirement established by the general assembly in which an individual:
 - (a) Submits notification to a state agency; and
 - (b) May use "registered" as a designated title.

Notification may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using "registered" as a designated title. The term "registration" shall not be synonymous with an occupational license;

- (14) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;
- (15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;
- (16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

- (1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;
- (2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and

(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

(L. 2018 H.B. 1500 merged with H.B. 1719)

